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CERTIFICATE OF TRANSMISSION 37 CFR 1.6

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Scott F. Diring

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
TERRY L. COLE
RUSSELL W. BELL

Serial No.: 09/627,680

Filed: 7/28/2000

For: DEVICE AND METHOD FOR
DETERMINING CHARACTERISTICS OF
A DIGITAL SUBSCRIBER LINE

Group Art Unit: 2661

Examiner: ANTHONY T. TON

Atty. Dkt. No.: 2069.001496/SFD

RESPONSE TO OFFICE ACTION DATED DECEMBER 4, 2003

Commissioner for Patents

P.O. Box 1450

/28/2004 TWITCH/Alexandria, VA 22313-1450
501331 0302/680

FC:1201

Sir: 05.00 DA

This paper is submitted in response to the Office Action dated December 4, 2003 for which the three-month date for response is March 4, 2004.

This response adds 1 additional independent claim in excess of three. The Commissioner is authorized to deduct the fee of \$86 from Legerity Inc. Deposit Account No. 50-1591/TT1896P. Should any fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason, the

Director is authorized to deduct said fees from Legerity Inc. Deposit Account No. 50-1591/TT1896P. In the event the monies in that account are insufficient, the Commissioner is authorized to withdraw funds from Williams, Morgan & Amerson, P.C. Deposit Account No. 50-0786/2069.001496/DIR.

Claims 28 and 39 were rewritten in independent form. Claims 23 and 30 were amended to depend from claim 28. Claims 33, 35, 36, 38, 40, and 41 were amended to depend from claim 39. The invention, as set forth in claims 28, 39, and 43 includes the general feature of installing a local filtering device based on the monitored response. The Office Action merely discusses a splitter being present in Mannering and in Bingel. This does not equate to determining a need for a filtering device based on the monitored response. Neither Bingel nor Mannering teach or suggest this feature. Accordingly, Claim 28, 39, and all claims depending therefrom, are patentable. Applicants respectfully requests the rejection of these claims be withdrawn.

In view of the remarks set forth herein, the application is believed to be in condition for allowance and notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the examiner is requested to contact the undersigned attorney at (608) 833-0748 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,



Scott F. Diring
Reg. No. 35,119

Attorney for Applicants

WILLIAMS, MORGAN & AMERSON
CUSTOMER NUMBER: 23720

10333 Richmond Dr., Suite 1100
Houston, Texas 77042
(713) 934-7000

Date: March 2, 2004